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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,857	08/30/2001	Franco Montcbovi	006559.00021	7547
22907 7590 06/05/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/941,857	Applicant(s) MONTEBOVI, FRANCO	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. A complete reply to the rejection must include cancellation of nonelected claim 10 or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 12, 13 and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by Ishigaki (US 2001/0017855 A1).

Regarding **claim(s) 12**, Ishigaki discloses a method of operating a browser in a mobile telecommunications device, including operating an individual key of the device in a first mode to navigate between previously visited pages, operating the individual key in a second mode to provide a display of previously visited homepages and selecting one of the pages from the display of previously visited homepages to navigate directly thereto (paragraph 0096).

Regarding **claim(s) 13**, Ishigaki discloses a mobile telecommunications device including a browser to navigate between different network addresses and display information therefrom, and a key operable in a first mode to navigate between previously visited network addresses and operable in a second mode to provide a display of previously visited homepages whereby to permit the user to select a homepage from the previously visited homepages display and navigate directly thereto (paragraph 0096).

Regarding **claim(s) 14**, Ishigaki discloses a device including a key to scroll a focus region between suitable menu options displayed on the browser, to permit navigation between different network addresses (paragraph 0096).

Regarding **claim(s) 15**, Ishigaki discloses a method, wherein the first mode includes pressing the key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time (paragraph 0096).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claim(s) 1-9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smethers (US 6,463,304 B2) in view of Ishigaki (US 2001/0017855 A1).

Regarding **claim(s) 1**, Smethers discloses a mobile telecommunications device including a housing, a microphone, an earpiece, a display screen mounted in the housing, a plurality of keys mounted on the housing and individually depressible by a user for performing telephony operations, radio circuitry, and a processor operable to provide a browser for navigating between different pages stored remotely of the mobile telecommunication device and displaying information therefrom on the display screen (FIG. 3A-3C and column 5, line 61 to column 6, line 50).

Art Unit: 2614

Smethers fails to disclose an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages.

However, Ishigaki teaches wherein an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being operable in a second mode comprising a second user depression sequence pattern of said individual key to provide a display of previously visited pages whereby to permit the user to select a page from the display of previously visited pages and navigate directly thereto (paragraphs 0096).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smethers using the teaching of viewing recently viewed pages as taught by Ishigaki.

This modification of the invention enables the system to have an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages so that the user would have the advantage of seeing previous data.

Regarding **claim(s) 2**, Smethers discloses a device, wherein the key is operable to navigate backwards through previously visited pages (column 4, lines 1-13).

Art Unit: 2614

Regarding **claim(s) 3**, Smethers discloses a device, wherein the key is operable to navigate forwardly through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 4**, Smethers discloses a device, wherein the first and second modes are selected by operating the key for relatively shorter and longer periods respectively (column 4, lines 19-41).

Regarding **claim(s) 5**, Smethers discloses a device, including a scrolling key operable to scroll a focus region through the display of previously visited pages for selecting one of the pages (column 6, lines 23-30).

Regarding **claim(s) 6**, Smethers discloses a device, including a further key for selecting a page from the previously visited pages display and so as to navigate directly then to (column 4, lines 19-41).

Regarding **claim(s) 7**, Smethers discloses a device and comprising a mobile telephone handset (column 3, lines 22-35).

Regarding **claim(s) 8**, Smethers discloses a device and comprising a PDA (column 3, lines 22-35).

Art Unit: 2614

Regarding **claim(s) 9**, Smethers discloses a device, wherein the display of the previously visited pages comprising a display of the previously visited pages whereby to permit the user to select one of the previously visited pages and navigate directly thereto (column 6, lines 23-30).

Regarding **claim(s) 11**, Smethers discloses a device, which is WAP enabled (column 3, lines 22-35).

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1-9 and 11-15** have been considered but are moot in view of the new ground(s) of rejection.

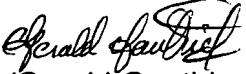
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/Gerald Gauthier/
Primary Examiner
Art Unit 2614

GG
May 23, 2007